IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.8030 OF 2007

Dated : May 1, 2007

Between:

Sriram Srinu and another

Petitioner

AND

The Station House Officer,
Govt. Railway Police,
Vijayawada, Krishna District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO. 8030 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.APA RAO)**

Heard the learned Government Pleader for Home,

appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram dated 14.04.2007 issued by the petitioners alleging that their son namely Sriram Kumar was illegally taken away by the I.D. Party Constable of Railway Police, Vijayawada, Krishna District on 13.04.2007 and they apprehend danger to his life.

3. In response to the notice issued by this court, counter affidavit has been filed by the Inspector of Railway Police, Vijayawada, inter alia stating that the alleged detenue was not taken into custody on 14.4.2007, as alleged. In fact, the uncle and brother of the alleged detenue were arrested in connection with Cr. No. 5 and 42 of 2007 for the offence under Sec. 379 IPC, of the Railway Police, Vijayawada. It is also stated that the alleged detenue was a respondent in Cr. No. 57 of 2007 registered under Sec. 41(2) Cr P.C. by the Madhira Town Police Station, Khammam District and he was arrested on 23/24.04.2007 at 3.10 a.m. while he was moving under suspicious circumstances and was produced before the Mandal Executive Magistrate, Madhira, on 24.4.2007, who in turn bound him over to be of good behaviour. It is also stated that the alleged detenue was in fact not needed in any case and he is moving freely.

In view of the fact that the Mandal Executive Magistrate has remanded the alleged detenue in connection with Cr. No 57 of 2007 on 24.4.207, we do not see any truth in the allegations made in the telegram. Consequently, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.Varma, J.

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D.Appa Rao, J.

May 1, 2007
MAS